

CEM

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Francisco Antonio ZAGAL-Garcia,

Defendant

Magistrate Docket No.

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

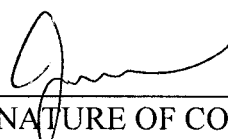
COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **March 17, 2008**, within the Southern District of California, defendant, **Francisco Antonio ZAGAL-Garcia**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **18th** DAY OF **MARCH 2008**.


Leo S. Papas
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Francisco Antonio ZAGAL-Garcia

PROBABLE CAUSE STATEMENT

Border Patrol Agents assigned to the San Diego Sector, Smuggling Interdiction Group (SIG) utilize various sources to locate and arrest previously deported criminal aliens who have returned to the United States in violation of the Immigration and Nationality Act. Through record checks, SIG Agents discovered that the defendant **Francisco Antonio ZAGAL-Garcia**, a previously deported criminal alien, was possibly residing in the 2000 block of K Street in San Diego, California.

On March 17, 2008, SIG Agents were conducting surveillance in the 2000 block of K. Street. Agents Blas and Soto observed a man matching the description and likeness of the defendant, exiting a residence. The Agents approached the individual and identified themselves as United States Border Patrol Agents. Agents questioned the defendant as to his identity and his immigration status. The defendant stated that he is in fact Francisco Antonio ZAGAL-Garcia. The defendant admitted to being a citizen and national of Mexico without any immigration documents that would allow him to enter or remain in the United States legally. At approximately 11:30 A.M., the defendant was arrested and transported to the Chula Vista Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **April 24, 2007**, through **Nogales, Arizona**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.